Applicants respectfully traverse the requirement for restriction on the grounds that the Office has not provided adequate reasons and/or examples to support a conclusion of patentable distinctness between the identified groups.

The Office has characterized the inventions of Groups III and I as mutually exclusive species in an intermediate-final product relationship. Citing MPEP §806.04(b), third paragraph, the Office states that the intermediate product is useful as "a compound". The Office furthermore cites MPEP §806.04(h) in support of its assertion that the inventions are deemed patentably distinct on the ground that there is nothing on record to show them to be obvious variants. First, Applicants fail to understand what is meant by the alleged intermediate being "useful as a compound". Applicants note that "compounds" do not necessarily have any particular utility *per se*. In addition, Applicants respectfully traverse the Requirement for Restriction on the grounds that there is no evidence of record to conclude that the alleged intermediate is useful as the Office has suggested. Moreover, Applicants respectfully submit that the burden is on the Office to provide reasons to conclude that the inventions are patentably distinct, and is not on the Applicants to establish that they are not. Accordingly, the Requirement for Restriction is believed to be improper, and Applicants request that it be withdrawn.

The Office has characterized the inventions of Groups III and II as related as process of making and product made. Citing MPEP §806.05(f), the Office concludes that the amine compound can be made by a different process "starting with the amino acid and reacting with an alkoxy compound then further reacting with the amine compound." Applicants note that in this alleged alternative process, the amine compound appears to be prepared from the amine compound itself. Accordingly, Applicants fail to understand how the proposed alternative process could be carried out as alleged. Furthermore, even if the proposed alternative process is possible, there is no evidence of record to show that the claimed product

can be made by the proposed alternative process. If in fact the claimed product can be made as alleged by the Office, Applicants respectfully submit that the Office has not shown how the proposed alternative process is materially different from the claimed process. Accordingly, Applicants respectfully request withdrawal of the Requirement for Restriction.

The Office has characterized the inventions of Groups I and II as "unrelated." However, Applicants note that the MPEP describes unrelated inventions as, for example, "an article of apparel such as a shoe, and a locomotive bearing", or "a process of painting a house and a process of boring a well." MPEP § 806.04(A). Thus, unrelated inventions, as defined by the MPEP, are inventions which are directed to *completely* different technical fields, and have no reasonable relationship with each other. Applicants make no statement with regard to the patentable distinctness of the inventions of Groups I and II, but respectfully submit that the Office has not shown how the inventions of these groups meet the standard of "unrelatedness" of MPEP § 806.04(A). Accordingly, Applicants respectfully submit that the requirement for restriction is improper, and request that it be withdrawn.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the requirement for restriction. Withdrawal of the requirement for restriction is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
NFO/TAB/cja

Norman F. Oblon
Attorney of Record
Registration No. 24,618

Thomas A. Blinka, PhD
Registration No. 44,541